

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

NJOS, SANDRA)	
)	
Plaintiff,)	
)	No. 07 C 50213
vs.)	
)	
ROCKFORD HEALTH SYSTEM,)	
an Illinois not-for profit Corporation, and)	
ROCKFORD MEMORIAL HOSPITAL)	
an Illinois not-for-profit Corporation,)	
ROBERT ESCARZA, M.D., RHONDA)	
CASAVANT, R.N.)	
)	
Defendants.)	
)	

PLAINTIFF'S MOTION TO DEPOSE SANDRA NJOS TO PRESERVE EVIDENCE
PURSUANT TO RULE 27

NOW COMES, the Plaintiff, SANDRA NJOS, by and through her attorneys, THE SZYMANSKI KOROLL LITIGATION GROUP, and for her Motion to Depose Sandra Njos to Preserve Evidence Pursuant to Rule 27, states as follows:

1. On October 30, 2007, Plaintiff filed her Complaint at Law alleging medical malpractice against Defendants Rockford Health System, Rockford Memorial Hospital, Robert Escarza, M.D., and Rhonda Casavant, R.N.
2. On November 7, 2007, attorneys for the Defendants filed their appearance in this matter, and requested additional time to file an answer or otherwise plead to Plaintiff's Complaint.
3. On November 13, 2007, Plaintiff filed her Amended Complaint, and on November 14, 2007, Plaintiff filed her 2nd Amended Complaint. This Court has requested an amended jurisdictional statement from Plaintiff, and Defendants answer is not due at this time.

4. Plaintiff Sandra Njos is terminally ill as a result of ovarian cancer. The cancer has metastasized throughout her body, and is unresponsive to chemotherapy. Plaintiff is not expected to survive the duration of this litigation; and any delay in her deposition runs the great risk of loss of her testimony.

5. No case management conference authorizing discovery has been held in this matter. Therefore, pursuant to Federal Rule of Civil Procedure 27, Plaintiff requests that this Court authorize a deposition to preserve the testimony of Sandra Njos, and prevent the spoliation of evidence.

6. Plaintiff expects the subject of her deposition to cover her background, the circumstances surrounding her hospital and doctor visitations, the pain and suffering she has experienced as a result of this terminal disease, and any other subject that may be reasonably related to this litigation. This testimony would be critical to establishing Defendants' negligence, and also to properly establish her damages.

7. No prejudice would result to Defendants, as all parties to this litigation have already been served, filed their appearances in this Court and are aware of the subject matter of this litigation.

WHEREFORE, the Plaintiff, SANDRA NJOS, respectfully requests that this Court allow the deposition of Sandra Njos to proceed to preserve her testimony and prevent the spoliation of evidence, and any other relief deemed just and proper.

SANDRA NJOS,

BY THE SZYMANSKI KOROLL LITIGATION
GROUP

BY s/Cynthia Szymanski Koroll
Cynthia Szymanski Koroll

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